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C O N F I D E N T I A L KUWAIT 002163

SIPDIS

E.O. 12958: DECL: 05/21/2013

TAGS: [PREL](#) [I2](#) [KU](#) [UN](#)

SUBJECT: KUWAIT STRONGLY PROTESTS NEW LANGUAGE ON  
COMPENSATION IN DRAFT UNSC RESOLUTION ON IRAQ

Classified By: Ambassador Richard H. Jones, reasons 1.5 b and d.

11. (C) MFA's Director General for International Organizations, Ambassador Abd al-Hamid al-Awadi, called the Ambassador at home late in the evening of May 20. Al-Awadi explained that he had been instructed to contact the Ambassador at this late hour by First Deputy Prime Minister and Foreign Minister, Shaykh Sabah al-Ahmed al-Sabah, in order to register Kuwait's deep concern with Operative Paragraph 21 of the proposed new UN Security Council resolution on Iraq. At Shaykh Sabah's request, al-Awadi would also be contacting the Ambassadors of the UK and Spain and would instruct Kuwait's embassies in Washington, Madrid and London to make parallel demarches. According to al-Awadi, the Kuwaiti delegation had worked out mutually acceptable language for the operative paragraph (which deals with using oil revenues to fund compensation claims by victims of the 1990-91 Gulf War) with USUN on Thursday, May 15. The GOK was shocked when it saw that the US side had changed the agreed language without further consultation with Kuwait. He claimed that USUN had told the Kuwaiti delegation in New York that it also was unaware of the genesis of the change, which had come from Washington.

12. (C) In response to the Ambassador's questions, al-Awadi said that Kuwait was particularly concerned by a new clause in the paragraph that would allow a future internationally recognized Iraqi government and the governing board of the UN Compensation Commission to change arrangements for the funding of compensation claims. He said that Kuwait would much prefer that such decisions "not be transferred to Geneva" but remain in the hands of the UN Security Council alone. In response to a further question, he said that he had no guidance on whether Kuwait might be able to accept substituting the UNSC for the UNCC governing board in the currently proposed language. Shaykh Sabah had only told him to protest the change from the previously agreed language and urge a return to it. He added that Shaykh Sabah felt strongly that Kuwait had made significant compromises throughout the draft resolution and believed that this should be taken fully into account as Washington considered his request. The Ambassador agreed to convey these points to the Department.

13. (C) COMMENT: It is quite unusual for an MFA official to contact the Ambassador at home at such a late hour. This no doubt reflects the high anxiety that the GOK evidently feels about the new language in Operative Paragraph 21 of the draft UNSC resolution. We are not sure why the GOK would object so strongly to a delegation of authority for compensation funding decisions from the UNSC to the UNCC governing board, since according to al-Awadi, the country membership is the same for both bodies. However, we presume that it may have something to do with differences in procedures between them such as lack of P-5 veto power, or perhaps with a perception that transferring authority to Geneva would lead to a diminution of international attention to compensation.

JONES